

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GEORGE GJOKAJ,

Plaintiff,

vs.

Case No. 06-CV-13179
HON. GEORGE CARAM STEEH

NATIONWIDE MUTUAL INS. CO.,

Defendant.

ORDER GRANTING DEFENDANT'S MOTION FOR LEAVE TO
FILE AN AMENDED AFFIRMATIVE DEFENSE (#16)

Defendant Nationwide Mutual Insurance Company moves for leave to file an amended affirmative defense of after-acquired evidence justifying plaintiff George Gjokaj's termination from employment. Leave to amend is to be freely granted when justice so requires. See Fed. R. Civ. P. 15(a). Absent bad faith or dilatory motive on the part of the movant, leave to amend should be granted unless the amendment would not survive a motion to dismiss. Foman v. Davis, 371 U.S. 178, 182 (1962); Sinay v. Lamson & Sessions Co., 948 F.2d 1037, 1041-42 (6th Cir. 1991); Head v. Jellico Hous. Auht., 870 F.2d 1117, 1124 (6th Cir. 1989). Plaintiff has not filed timely opposition to defendant's motion. See E.D. Mich. LR 7.1(d)(2)(B). In the absence of opposition, and consistent with Rule 15(a),

Defendant's motion for leave to file an amended affirmative defense of after-acquired evidence justifying plaintiff's termination from employment is hereby GRANTED. The court makes no ruling as to the continued viability of the affirmative defense.

SO ORDERED.

Dated: April 11, 2007

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
April 11, 2007, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk